



S.Y.K. AUTOPART IMPORT  
EXPORT, CO. LTD.,  
Opposer,

-versus-

MR. HENRY TAN UY,  
Respondent-Applicant.

X-----X

}  
} IPC No. 14-2012-00531  
} Opposition to:  
} Appln. Serial No. 4-2011-014355  
} Date Issued: 02 December 2011  
} TM: "INDEX QUALITY HELMET"

### NOTICE OF DECISION

#### SANTILLAN-FELIX MAGBANUA AND MELLA LAW OFFICE

Counsel for the Opposer  
Unit 1106, Prestige Tower, F. Ortigas Jr. Road  
Ortigas Center, Pasig City

#### CORDOVA & ASSOCIATES

Counsel for the Respondent-Applicant  
2801, 28<sup>th</sup> Floor, Ayala-FGU Center  
6811 Ayala Avenue, Makati City

#### GREETINGS:

Please be informed that Decision No. 2013 - 205 dated October 22, 2013 (copy enclosed) was promulgated in the above entitled case.

Taguig City, October 22, 2013.

For the Director:

*Edwin Danilo A. Dating*  
Atty. EDWIN DANILO A. DATING  
Director III  
Bureau of Legal Affairs



**S.Y.K. AUTOPART IMPORT  
EXPORT, CO. LTD.,**

*Opposer,*

-versus-

**MR. HENRY TAN UY,**

*Respondent-Applicant.*

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**IPC No. 14-2012-00531**

Case Filed: 21 January 2013

Opposition to:

Appln. Serial No.: 4-2011-014355

Date Filed: 02 December 2011

TM: **INDEX QUALITY HELMET**

Decision No. 2013- 205

### DECISION BASED ON COMPROMISED AGREEMENT

**S.Y.K. AUTOPART IMPORT EXPORT, CO. LTD.,** ("Opposer") filed on 09 May 2013 an opposition to Trademark Application Serial No. 4-2011-014355. The application filed by **MR. HENRY TAN UY** ("Respondent-Applicant") covers the mark "**INDEX QUALITY HELMET**" for use on goods under Class 09.

This Bureau issued a Notice to Answer dated 31 January 2013 and served a copy thereof upon the Respondent-Applicant on 07 February 2013. The Respondent-Applicant filed his Answer on 09 May 2013.

In compliance to Office Order No. 154, s. 2010 ("*Rules of Procedure for IPO Mediation Proceedings*") and Office Order No. 197, s. 2010 ("*Mechanics for IPO Mediation and Settlement Period*"), this Bureau issued on 23 May 2013 Order No. 2013-123 referring the case to mediation.

On 03 September 2013, this Bureau received a "MEDIATOR'S REPORT" indicating the successful mediation of the instant case. Attached to the report is the parties' "COMPROMISE AGREEMENT" submitted to this Bureau for approval. The Agreement states, among other things:

"1. For and in consideration of the a reasonable amount to be given by the Second Party to the First Party as reimbursement of its expenses for the filing of his application and other legal fees, the First Party shall WITHDRAW its application for registration over the mark INDEX which is the subject of this case;

"2. The First Party, in signing this Compromise Agreement expressly recognizes and confirms the legal and exclusive ownership of the Second Party over the trademark and intellectual creation bearing the mark

INDEX and/or INDEX QUALITY HELMET, an illustrations of which is hereto attached as Annex A hereof;

"3. The First Party likewise undertakes not to oppose or induce other individuals to file such Opposition to Application No. 4-2012-015371 for Index Quality Helmet mark filed by the Second Party;

"4. The First Party's filing of the withdrawal of its application for registration over the mark INDEX shall be simultaneous with the signing of this document and the payment of the compromise amount;

"5. Failure to comply with any provision of this Compromise Agreement shall give rise to the right of the offended party to demand the execution of this agreement in addition to any other relief which may be available to it under existing laws.

This Bureau finds that the Compromise Agreement has been duly entered into by the parties with the terms and conditions thereof not contrary to law, morals, good custom, public order or public policy.

In this regard, an approved Compromise Agreement shall have the effect of a decision or judgment on the case and shall be enforced accordingly in accordance with the pertinent Rules of IPO and the Rules of Court. (Sec. 5, Office Order No. 154, s. 2010)

**WHEREFORE**, premises considered, the parties' Compromise Agreement is hereby **APPROVED**. Accordingly, the instant opposition case is hereby **DISMISSED**. Let the filewrapper of Trademark Application Serial No. 4-2011-014355 be returned, together with a copy of this Decision, to the Bureau of Trademarks for information and appropriate action.

**SO ORDERED.**

Taguig City, 22 October 2013.

  
**ATTY. NATHANIEL S. AREVALO**  
Director IV  
Bureau of Legal Affairs